

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 17 has been cancelled. No claims have been amended or added. Claims 1, 5, 8, 16, and 18-20 are pending and under consideration. Reconsideration is respectfully requested.

ALLOWED CLAIMS

The Applicants acknowledge with appreciation that claims 1, 5, 8, 16, and 18-20 have been allowed.

REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

The Manual of Patent Examination Procedure (MPEP) states:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

*MPEP, §706.07(a).* The Applicants respectfully submit that the new ground of rejection of claim 17 was not necessitated by Applicant's amendment as the feature added to claim 17 in the most recently entered Amendment appeared earlier during prosecution in independent claim 1. The Applicants also respectfully submit that the new ground of rejection of claim 17 is not based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). The Examiner first cited Japanese Patent Publication No. JP09-042406 by Nakagawa in the present Office Action. Accordingly, the Applicants respectfully request withdrawal of the finality of the Office Action.

REJECTION UNDER 35 U.S.C. §103

In the Office Action, at page 2, claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. JP08-114172 by Saito or Japanese Patent Publication No. JP04-065701 by Okada (related to U.S. Patent No. 5,181,441) in view of Japanese

Patent Publication No. JP09-042406 by Nakagawa. The reasons for the rejection are set forth in the Office Action and therefore not repeated. In order to expedite prosecution of the application, claim 17 has been cancelled.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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